

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MAG

United States of America, ) Case No. 17-mj-70721-2 ~~KAW~~  
)  
Plaintiff, ) STIPULATED ORDER EXCLUDING  
) TIME UNDER THE SPEEDY TRIAL ACT AND Rule 5.1  
v. Richard Acosta, ) To June 9, 2017  
Defendant. )

For the reason stated by the parties on the record on May 26, 2017, the Court excludes time under the Speedy Trial Act from May 26, 2017, to June 9, 2017, and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factors: LED

Failure to grant a continuance would be likely to result in a miscarriage of justice. *See 18 U.S.C. § 3161(h)(7)(B)(I).* MAY 26 2017

The case is so unusual or so complex, due to [circle applicable reasons] the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. *See 18 U.S.C. § 3161(h)(7)(B)(ii).*

Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).*

Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).*

Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).*

For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(b) and waived with the consent of the defendant under Federal Rules of Criminal Procedure 5.1(c) and (d).

For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(h)(1)(E)(F) for delay resulting from removal/transport of the defendant to another district.

IT IS SO ORDERED.

DATED: 5/26/17

STIPULATED: Richard Acosta  
Attorney for Defendant

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

Kandis Westmore

Kandis A. Westmore  
United States Magistrate Judge

Shaila H. Lank  
Assistant United States Attorney